

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Richmond Division**

GILBERT JAMES,

Plaintiff,

v.

Civil Action No. 3:11cv00221

ENCORE CAPITAL GROUP, INC., *et al.*

Defendants.

**PLAINTIFF'S MOTION FOR ENLARGEMENT OF TIME TO RESPOND
TO DEFENDANTS' MOTION TO DISMISS**

COMES NOW the Plaintiff, GILBERT JAMES, by counsel, and pursuant to Fed. R. Civ. P. 15, he moves the Court to Enlarge her Response time to file her Memorandum in Opposition to Defendant's Motion to Dismiss until August 2, 2011.

Plaintiff and the Encore Capital Group, Inc. Defendants have met and conferred on multiple occasions to reach agreement on a process and schedule to properly conduct litigation of this case. In particular, they have discussed: (a.) the timing of the filing by Plaintiff of his intended Amended Complaint; (b.) whether or not the present Motion to Dismiss should be stayed and/or withdrawn as mooted by the Amended Complaint; and (c.) the Parties' consent to Magistrate Judge (both parties do consent) and the impact of such consent on the discovery and pre-trial schedule and process in the case.

Plaintiff's counsel believes that Parties are close to agreement in all such regards. Further, Defendants have not stated an objection to this enlargement and as part of the discussions above – though not completed – they have agreed to an enlargement.

Plaintiff continues to seek agreement upon a process as stated herein – deferring the Rule

12(b)(6) stage until the filing of an Amended Complaint, with such filing after the exchange of Rule 26(a)(1) disclosures. In the meantime, he asks the Court for an enlargement of time through August 2, 2011 to respond to the pending Motion to Dismiss filed by the Encore Capital Defendants. This would provide the time necessary to conclude the present discussions and compromise negotiations and would be one day after the August 1, 2011 date the parties have tentatively agreed to as a date for the filing of the Amended Complaint. Further, it would provide the same approximate time made available by the Plaintiff's consent and the Court for Defendants' filing of its Answer and responsive Motion to Dismiss. Given the complexities involved in the Motion and Complaint allegations, such additional time would fairly benefit the quality of the Plaintiff's presentation of his legal argument.

Respectfully submitted,

GILBERT JAMES,

/s/

Leonard A. Bennett, VSB#37523
Counsel for the Plaintiff
CONSUMER LITIGATION ASSOCIATES, P.C.
12515 Warwick Blvd., Suite 100
Newport News, VA 23606
Tel: 757-930-3660
Fax: 757-930-3662
lenbennett@cox.net

CERTIFICATE OF SERVICE

I hereby certify that on the 6th day of July 2011 I have electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification to all counsel of record.

/s/

Leonard A. Bennett, VSB#37523
Counsel for the Plaintiff
CONSUMER LITIGATION ASSOCIATES, P.C.
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Fax: 757-930-3662
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